

CHAPTER 97

**ELECTIONS**

**HOUSE BILL 00-1304**

BY REPRESENTATIVES McElhany, Allen, Lee, and Stengel;  
also SENATOR Hillman.

**AN ACT**

CONCERNING THE IMPLEMENTATION OF CONSTITUTIONAL AMENDMENTS RELATING TO INFORMATION PROVIDED TO THE ELECTORATE FOR AN ELECTION ON A BALLOT ISSUE.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 1-40-107 (6), Colorado Revised Statutes, is amended to read:

**1-40-107. Rehearing - appeal - fees - signing.** (6) The summary of any proposed initiated law or constitutional amendment shall be included in the publication of measures by the ~~secretary of state~~ DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL pursuant to ~~article XXIII of the state constitution~~ SECTION 1-40-124.5.

**SECTION 2.** 1-40-115 (2), Colorado Revised Statutes, is amended to read:

**1-40-115. Ballot - voting - publication.** (2) All ballot issues shall be printed on the official ballot in that order, together with their respective letters and numbers prefixed in bold-faced type. Each ballot shall have the following explanation printed one time at the beginning of such ~~measures~~: "~~Measures~~ BALLOT ISSUES: "BALLOT ISSUES referred by the general assembly or any political subdivision are listed by letter, and ~~measures~~ BALLOT ISSUES initiated by the people are listed numerically. A 'yes' vote on any ~~measure~~ BALLOT ISSUE is a vote in favor of changing ~~constitutional or statutory~~ CURRENT law OR EXISTING CIRCUMSTANCES, and a 'no' vote on any ~~measure~~ BALLOT ISSUE is a vote against changing ~~constitutional or statutory~~ CURRENT law OR EXISTING CIRCUMSTANCES." Each ballot title shall appear on the official ballot but once and shall be separated from the other ballot titles next to it by heavy black lines and shall be followed by the words "yes" and "no" with blank spaces to the right and opposite the same as follows:

**(HERE SHALL APPEAR THE  
BALLOT TITLE IN FULL)**  
YES \_\_\_\_\_ NO \_\_\_\_\_

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3.** 1-40-124 (1), Colorado Revised Statutes, is amended to read:

**1-40-124. Publication.** (1) (a) In accordance with section 1 (7.3) of article V of the state constitution, the director of research of the legislative council of the general assembly shall cause to be published at least one time in every legal newspaper, as defined in sections 24-70-102 and 24-70-103 (1), C.R.S., compactly and without unnecessary spacing, in not less than eight-point standard type, a true copy of:

(I) The title and text of each constitutional amendment, initiated or referred measure, or part of a measure, to be submitted to the people with the number and form in which the ballot title thereof will be printed in the official ballot; AND

(II) THE TEXT OF EACH REFERRED OR INITIATED QUESTION ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS DEFINED IN SECTION 1-41-102 (3), TO BE SUBMITTED TO THE PEOPLE WITH THE NUMBER AND FORM IN WHICH SUCH QUESTION WILL BE PRINTED IN THE OFFICIAL BALLOT.

(b) The charge for publication shall be at the newspaper's then effective current lowest bulk comparable or general rate charged. The director of research shall provide all of the legal newspapers either complete slick proofs or mats of the title and text of the proposed constitutional amendment, initiated or referred measure, or part of a measure, AND OF THE TEXT OF A REFERRED OR INITIATED QUESTION ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS DEFINED IN SECTION 1-41-102 (3), at least one week before the publication date.

**SECTION 4.** 1-40-124.5 (1) and (3), Colorado Revised Statutes, are amended, and the said 1-40-124.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-40-124.5. Ballot information booklet.** (1) The director of research of the legislative council of the general assembly shall prepare a ballot information booklet FOR ANY INITIATED OR REFERRED CONSTITUTIONAL AMENDMENT OR LEGISLATION, INCLUDING A QUESTION, AS DEFINED IN SECTION 1-41-102 (3), in accordance with section 1 (7.5) of article V of the state constitution. Prior to completion of the booklet, a draft shall be reviewed by the legislative council at a public hearing held after notice. At the hearing, any proponent or other interested person shall be allowed to comment on the accuracy or fairness of the analysis of any ~~measure~~ BALLOT ISSUE addressed by the booklet.

(1.5) THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY SHALL BE RESPONSIBLE FOR PROVIDING THE FISCAL INFORMATION ON ANY BALLOT ISSUE THAT MUST BE INCLUDED IN THE BALLOT INFORMATION BOOKLET PURSUANT TO SECTION 1 (7.5) (c) OF ARTICLE V OF THE STATE CONSTITUTION.

(3) There is hereby established in the state treasury the ballot information publication and distribution revolving fund. Moneys shall be appropriated to the fund each year by the general assembly in the annual general appropriation act. All interest earned on the investment of moneys in the fund shall be credited to the fund. Moneys in the revolving fund are continuously appropriated to the legislative council of the general assembly to pay the costs of publishing the text and title of each constitutional amendment, ~~and~~ initiated or referred measure, OR PART OF A MEASURE, AND THE TEXT OF A REFERRED OR INITIATED QUESTION ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AS

DEFINED IN SECTION 1-41-102 (3), in every legal newspaper in the state, as required by section 1-40-124, and the costs of distributing the ballot information booklet, as required by subsection (2) of this section. Any moneys credited to the revolving fund and unexpended at the end of any given fiscal year shall remain in the fund and shall not revert to the general fund.

**SECTION 5.** 1-40-125 (1) and the introductory portion to 1-40-125 (2), Colorado Revised Statutes, are amended, and the said 1-40-125 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**1-40-125. Mailing to electors.** (1) The requirements of this section shall apply to any ballot issue involving a ~~state or~~ local government matter arising under section 20 of article X of the state constitution, as defined in ~~sections 1-41-102(4) and~~ SECTION 1-41-103 (4), ~~enacted in Senate Bill 93-98~~, for which notice is required to be mailed pursuant to section 20 (3) (b) of article X of the state constitution. A mailing is not required for a ballot issue that does not involve a ~~state or~~ local government matter arising under section 20 of article X of the state constitution, as defined in ~~sections 1-41-102(4) and~~ SECTION 1-41-103 (4). ~~enacted in Senate Bill 93-98.~~

(2) ~~Fifteen to twenty-five~~ THIRTY days before a ballot issue election, political subdivisions shall mail at the least cost and as a package where districts with ballot issues overlap, a titled notice or set of notices addressed to "all registered voters" at each address of one or more active registered electors. Except for voter-approved additions, notices shall include only:

(3) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A BALLOT ISSUE THAT IS SUBJECT TO THE PROVISIONS OF SECTION 1-40-124.5.

**SECTION 6.** 1-40-126, Colorado Revised Statutes, is amended to read:

**1-40-126. Explanation of effect of "yes" or "no" vote included in notices provided by mailing or publication.** In any notice to electors provided by the ~~secretary of state~~ DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL, whether by mailing PURSUANT TO SECTION 1-40-124.5 or publication PURSUANT TO SECTION 1-40-124, there shall be included the following explanation preceding any information about individual ~~measures~~ BALLOT ISSUES: "A 'yes' vote on any ~~measure~~ BALLOT ISSUE is a vote in favor of changing ~~constitutional or statutory~~ CURRENT law OR EXISTING CIRCUMSTANCES, and a 'no' vote on any ~~measure~~ BALLOT ISSUE is a vote against changing ~~constitutional or statutory~~ CURRENT law OR EXISTING CIRCUMSTANCES."

**SECTION 7.** 1-5-205 (1) (g), Colorado Revised Statutes, is amended to read:

**1-5-205. Published and posted notice of election.** (1) The designated election official, or the coordinated election official if so provided by an intergovernmental agreement, no later than ten days before each election, shall provide notice by publication of the election, which notice shall state, as applicable for the particular election for which notice is provided, the following:

(g) The proposed constitutional amendments and laws certified to the ballot ~~which have been published~~ by the secretary of state;

**SECTION 8.** 1-5-407, Colorado Revised Statutes, is amended BY THE ADDITION

OF A NEW SUBSECTION to read:

**1-5-407. Form of ballots.** (5.3) COMMENCING WITH THE GENERAL ELECTION HELD IN NOVEMBER 2000, EACH STATEWIDE MEASURE INITIATED BY THE PEOPLE SHALL BE NUMBERED CONSECUTIVELY IN REGULAR NUMERICAL ORDER BEGINNING WITH THE NUMBER TWENTY. SUCH CONSECUTIVE NUMBERING OF MEASURES SHALL CONTINUE AT ANY ODD-YEAR OR GENERAL ELECTION HELD AFTER SUCH ELECTION AT WHICH ANY SUCH MEASURE IS ON THE BALLOT BEGINNING WITH THE NUMBER FOLLOWING THE HIGHEST NUMBER UTILIZED IN THE PREVIOUS ELECTION UNTIL THE NUMBER NINETY-NINE IS UTILIZED AT AN ELECTION FOR ANY SUCH MEASURE. SUCH MEASURES SHALL AGAIN BE NUMBERED CONSECUTIVELY IN REGULAR NUMERICAL ORDER BEGINNING WITH THE NUMBER ONE AND IN ACCORDANCE WITH THIS SUBSECTION (5.3) FOLLOWING THE UTILIZATION OF THE NUMBER NINETY-NINE FOR ANY SUCH MEASURE. THE SECRETARY OF STATE MAY PROMULGATE RULES AS MAY BE NECESSARY TO ADMINISTER THIS SUBSECTION (5.3), INCLUDING, BUT NOT LIMITED TO, RULES SPECIFYING THE GROUPING OF SUCH MEASURES FOR PURPOSES OF SUCH NUMBERING OR RESERVING SPECIFIC SEQUENCES OF NUMBERS FOR CERTAIN CATEGORIES OF MEASURES. SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

**SECTION 9.** 1-7-902, Colorado Revised Statutes, is amended to read:

**1-7-902. Preparation of fiscal information.** A governing body submitting a referred measure, or its designee, shall be responsible for providing to its designated election official the fiscal information that must be included in the ballot issue notice. ~~For statewide measures, the governing body shall be the executive committee of the legislative council of the general assembly.~~ For all other political subdivisions, the governing body shall be the board that authorized submission of the ballot issue to the electorate.

**SECTION 10.** 1-7-904, Colorado Revised Statutes, is amended to read:

**1-7-904. Transmittal of notices.** Notwithstanding the provision for independent mail ballot elections in section 1-7-116 (1), the designated election official or the official's designee for ~~the state~~ or a political subdivision conducting an election in November shall prepare and deliver to the county clerk and recorder for the county or counties in which the political subdivision is located no later than forty-two days before the election the full text of any required ballot issue notices.

**SECTION 11. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 31, 2000